



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 5a

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*Memorandum*

TO: Legislation Committee

DATE: April 4, 2008

FR: Deputy Executive Director, Operations

RE: ACA 10 (Feuer) — Vote Requirements for Transportation Measures

**Description**

ACA 10 seeks voter approval to amend the California Constitution to lower the voter approval threshold for cities and counties (or a city and county) to pay for bonded debt from a two-thirds supermajority to 55 percent. The bill also creates an exception to the current one percent limit on ad-valorem taxes on real property to finance and repay the debt.

**Recommendation:** Support and seek amendments

**Discussion**

Current limits in the California Constitution require a two-thirds supermajority for approval of most bond measures and all special taxes, such as a sales tax for transportation. As a result, many localities face big challenges in garnering the needed votes for passage of special sales taxes and bond measures. In our own region, Napa and Solano counties have thus far been unable to achieve the required approval margins for county sales taxes. The City of Orinda secured 64 percent approval — just shy of the needed two-thirds — for a bond for local road, storm drain and water main improvements.

Modeled on Proposition 39, approved by the state's voters in 2000, that lowered the two-thirds vote requirement for school bonds to 55 percent, ACA 10 would extend this lowered vote requirement to transportation bonds. At issue is that local revenue programs such as sales tax measures fund not just capital projects funded with bonds, but programs such as bike and pedestrian, public transit operating and streets and roads maintenance programs, as well.

At the March Legislation Committee, staff was directed to look for opportunities to support legislation to lower the supermajority vote requirements for transportation sales tax measures. While this bill does not accomplish that, it is a step in the right direction. In an era where state and federal gas taxes have stagnated for nearly two decades, local “self-help” transportation sales taxes have become the lifeblood of transportation finance.

Thus, we recommend a “support and seek amendments” position on ACA 10, to add language to apply its provisions more broadly to special transportation programs funded with local measures and not just capital projects built with bond proceeds.

**Known Positions**

Support

None

Oppose

None

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Ann Flemer